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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.77/1997

Between:

Smt. Peeddakka,
W/o. Lakshmaiah,
Adyakshini,
Gowdagere Grama
Panchayath,
Sira Taluk,
Tumkur District.

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...PETITIONER

(By Sri.J.Chandrashekaraiah, Adv.)

And:

1. Assistant Commissioner,
Madhugiri Sub-Division,
Madhugiri,
Tumkur District.

2. Secretary,
Gowdagere Grama
Panchayath,
Sira Taluk,
Tumkur District.

...RESPONDENTS

(By Sri.K.Nagaraja, HCGP for R-1 & R-2)

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This Writ Petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to quash vide Annexure 'W' dt.25.10.96 in the presence of R-1

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This Writ Petition coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:-

O_R_D_E_R

The petitioner is a member of the Gowdagere Grama Panchayath. After she got herself elected as a member of the Grama Panchayath, she contested to the post of Adhyaksha and was elected as an Adhyakshini of the Grama Panchayath. About 17 members of the Grama Panchayath have given¹ notice expressing no-confidence against the petitioner to the Assistant Commissioner as required under Section 3(1) of the Rules. Pursuant to the said notice, the Assistant Commissioner called for a meeting fixing the date of the meeting as 25.10.1996 to consider the motion of 'No-Confidence' moved against the petitioner. Accordingly, the meeting was held and the motion of 'No-Confidence' moved against the petitioner was carried by more than 2/3rd majority. These proceedings are called in

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question by the petitioner in this Writ Petition.

2. Sri.Chandrasekaraiah, learned Counsel for the petitioner contended that the notice given by the members of the Grama Panchayath expressing 'No-Confidence' is not in accordance with the Rules. After reading of the notice, I am of the opinion that the contents of the notice satisfies the requirement under Rule 3(1) of the ~~Vandavasi Panchayath~~ [✓] Rules. The said notice was signed by 17 members of the Grama Panchayath. The petitioner has not produced any material to show on what day the said notice was received by the Assistant Commissioner. The meeting held on 25.10.1996 to consider the motion of No-Confidence was attended by 16 persons and all the 16 persons have voted in favour of the motion of 'No-Confidence'. The contention of the learned Counsel is that the notice issued by the Assistant Commissioner was not served on the petitioner. The petitioner

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has produced a xerox copy of the notice as per Annexure 'U'. In the said notice, there is an endorsement to the effect that the petitioner has refused to receive the notice when it was tendered to her. This is in presence of some of the members as found in the notice. In view of the said ^{fact} ~~submission~~ I hold that the notice issued ^{by} the petitioner is sufficient.

3. The total number of members of the Grama Panchayath is 18. 16 members of the Grama Panchayath voted in favour of the motion of 'no confidence' moved against the petitioner, i.e., to say, the petitioner had the support of ~~more~~ ^{more} ~~than~~ ^{than} 1 member of the Grama Panchayath who was also absent in the meeting that was held on 25.10.1996. When such being the case, there is no reason to ^{impr} ~~impr~~ ^a ~~the person~~ as the Adhyaksha of the Grama Panchayath who has no-confidence of almost all the members of the Grama Panchayath

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except she and another one members. In the result,

I pass the following order:

The Writ Petition is rejected.

Sd/-
JUDGE



sps/-